

John Loudermilk  
282 Mansfield Drive  
Lapeer, MI 48446

March 30, 2007

State Boundary Commission  
Re: Docket # 06-AP-2  
Michigan Dept. of Labor & Economic Growth  
611 W. Ottawa St.  
P.O. Box 30004  
Lansing, MI 48909

RECEIVED  
DEPT. OF LABOR & ECONOMIC GROWTH

APR 5 2007

OFFICE OF POLICY & LEGISLATION  
STATE BOUNDARY COMMISSION

To Whom It May Concern:

I'm writing this letter in support of the City of Lapeer bringing into the City the Elba Township islands surrounded by the City of Lapeer. These properties are located on the south side of Oregon Rd. west of Millville Rd., the west side of Millville Rd. between Oregon Rd. and Davison Rd., and on the north side of Davison Rd. west of Millville. My reasons are as follows:

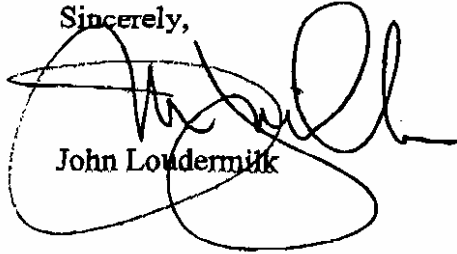
1. While Elba Township has an agreement with the City of Lapeer for sewer, the township has no plans or funds to extend sewer mains for properties with failing septic systems along these islands. Why, because Elba Township is anti-growth. Proof of the township position on growth exists around Potter Lake. After years of fines from the DEQ Elba Township in cooperating with Davison Township extended sewers to meet the DEQ's demands, then they raised the cost of sewer tap-ins to \$16,000 each for remaining tap-ins making their use financially impossible.
2. Ideally if development extends continuously from the outer edges of growth the costs are controlled. After years of people living in these islands growth has gone on around them and now going back to include them will be more costly.
3. The Township of Elba has no plans to correct the problem. Proof, the Lapeer County Health Dept. will not give septic permits for new construction in these areas. Existing homes are offered variances from the typical systems in order to allow people to continue to live in their homes. (Some of these systems affect the people living next to them). No one wants to put people out of their homes but sewers, as offered by the City of Lapeer, are the answer.

In closing, I feel Elba Township has been controlled by anti-growth people for years, they have failed to address problems on Lake Nepessing, Potter Lake, and elsewhere and by

requiring single family homes on larger parcels of land they have minimized tax income and makes future problems impossible to correct at a reasonable fee.

Please send a message to Elba Township. To correct Lake Nepessing they had to use the City of Lapeer's sewers, to correct Potter Lake they had to use Davison Township's sewers and then they stuck their heads in the sand and waited for the problems to go away. They are your problem to correct now – please do so.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Loudermilk', written over a large, loopy circular flourish.

John Loudermilk

STATE BOUNDARY COMMISSION

April 2, 2007

State Boundary Commission  
Michigan Department of Labor and Economic Growth  
611 W. Ottawa Street  
P.O. Box 30004  
Lansing, MI 48909

APR 11 2007

RECEIVED  
DEPT OF LABOR & ECONOMIC GROWTH

**Re: Docket # 06-AP-2**

Dear Boundary Commission Members:

I attended the public hearing for the proposal to annex certain properties in Elba Township to the City of Lapeer. I intended to read the attached letter that I prepared in advance of that meeting. However, there were some things said in both the City's and the Township's presentations that were very unsettling.

The flyer that was made available to the public indicated that all information received prior to April 30<sup>th</sup> would "be given the same consideration as evidence and testimony received and presented at the public hearing". In view of that, I opted to withhold my comments and submit the following comments, in addition to my original letter.

- 1) This Commission should be aware of the "politics" behind what you saw at the Hearing. Attorney Gary Howell represented the Petitioner, Peter Whitman. Mr. Howell was Elba Township's attorney for almost twenty (20) years. In his capacity as Township counsel, he was involved in many dealings with not only the City of Lapeer, but Mr. Whitman individually.

As Elba Township's attorney, Mr. Howell has intimate knowledge of our Ordinances, Zoning, Elba Township's Master Plan, procedures practices, and strategies. He defended the Township in several issues involving the City and Mr. Whitman over the years.

Mr. Howell's representation of Mr. Whitman in this case is an absolute conflict of interest. He has turned on the very client, Elba Township, that he represented for so many years. He did not seek any Waiver of a Conflict from Elba Township prior to commencing with his relationship with Mr. Whitman, and against Elba Township.

Mr. Howell's actions are unacceptable, and I intend to report this to the State Bar Association Attorney Grievance Commission for review. However, as it pertains to the public hearing and the Annexation request, his comments should be stricken from the record.

- 2) This Commission should also be aware that Elba's Clerk, Brenda Johnson, was employed as an Associate Broker for Mr. Whitman until the day she was elected in Elba Township. Several questions as to that continuing relationship have been raised since she came into office.

Her comments at the hearing included the following: "Let the island stay in the township, and treat it separately from the Petitioner's request" is the same as saying "grant the Petitioner's request (for annexation) but I want to make a showing for some residents who may still vote for me".

On many occasions, there have been private meetings between Ms. Johnson and Mr. Whitman. I am not aware of the specific content of those meetings, but suspiciously, the next Elba Township Board meeting would include some comments by Ms. Johnson about some lands owned by Mr. Whitman and what he might be intending to do with it. Her comments are always in favor of whatever Mr. Whitman's wanted to do.

- 3) The City's derogatory comments about Elba Township's Fire Department are completely unfounded. Elba has a better fire department, is more capable, better trained, better equipped, and has better leadership than Lapeer. Elba's chief, Mike Burke, has held many State level positions in the Firemen's Association, has served as President of many organizations, and is the most dedicated person to the fire service that I have ever seen.

I investigate fires for a living. I deal with many departments in Michigan, and several other states. When it comes to any rural, paid call or volunteer department, I would put Elba against any of them. I have seen Lapeer's actions, up close, in some of the fires I have worked. All I can say it was a good thing that Elba assisted them.

The City, instead of being appreciative for what Elba does for them, is in it only for themselves, so long as the city gets some financial gain. To take Mr. Whitman's property and give it to the City punishes the Township in two ways. First, they lose the revenue from the taxes, and whatever increase there would be in the event it is developed. Second, Elba will incur substantial cost, with no compensation whatsoever, when they assist Lapeer if there was a fire at this property.

- 4) I have reviewed the Elba Township Planning Commission's records. Not once has Mr. Whitman ever presented a site plan for the subject property. He never even inquired about it, at least to the planning commission. It is clear he's discussed it with Elba's clerk, Ms. Johnson, but those discussions were in private.
- 5) There is not a need or a demand for the type of housing proposed. The real estate market has collapsed. There is an unprecedented inventory of homes listed "For Sale" in the county. Prices have tumbled. Population has leveled off, and is even projected to decrease. In fact, at the end of 2005 Lapeer County experienced a net increase in population of 41 people. The years 2006 and 2007, and even into the foreseeable future, are projected to see significant decreases.
- 6) The Township, as is every other village, city and municipality, is hurting due to decreases in revenue sharing, loss of tax base, and the general economic conditions. Don't add insult to injury by taking away any more of Elba Township's lands.

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In summary, the words "collusion", "dirty politics", "shameless acts", "greed" and several others apply here. Please don't allow this Petition for Annexation to be granted. It punishes the Township. It would be unfair. The Petitioner's and the City's reasons for annexation of "better police and fire protection" are completely unfounded. If your decision is to be based on the reasons contained in the Petition, then the only logical conclusion is for a denial.

Thank you for your time.

A handwritten signature in black ink, appearing to read "Bill Comstock", written in a cursive style.

Bill Comstock

810-664-5590

**State Boundary Commission**

RECEIVED  
DEPT. OF LABOR & ECONOMIC GROWTH  
March 29, 2007

**Re: Docket # 06-AP-2- Public Hearing**

APR 11 2007

**Members of the Boundary Commission:**

STATE BOUNDARY COMMISSION

I will not beat around the bush, or leave you with any question as to how I feel about the Petition to annex any more land to the City of Lapeer. I am absolutely opposed to it. It is not because I own any property adjacent to or even near this site. I will not be personally affected by it no matter what happens. My interest is in seeing that no more land is sent to the city. Over the years, Elba Township has either voluntarily agreed to the transfer of lands through a 425 agreement, or it has been taken from us through this commission. Enough is enough.

Many year ago, Elba Township allowed the annexation of several hundred acres of land that is presently Rolling Hills Golf Course. That course, or at least most of it, is currently up for sale and large scale development will surely follow. Elba Township got nothing for that land, and will realize nothing for its future development. That's fine. It's over and done with.

In 1988 or so, Elba Township entered into a 425 agreement with the City for several hundred acres of land commonly known as the Oakdale Property, and that was transferred to the City. That has seen significant development, and the City of Lapeer realizes tremendous tax benefits, both in real, personal and income taxes, from the activities that are now on that site. The transfer of that land was by agreement, but when that occurred, I do not believe either side envisioned what it would become. Certainly, the City realizes much, much more than the Township does. The Township gets somewhere less than \$20,000.00 a year under that agreement. The city earns many, many times that amount. Again, that's fine, and it's over and done with. Not once has the township looked at that deal with a jaded eye.

Since the Oakdale property transfer, we have seen several other attempts to annex more land to the city. Over the years, we have lost, parcel by parcel, more of our township. This has to come to an end.

The subject petition for annexation does not come out of the petitioners inability to develop the land. It is not because the City can provide services that the township cannot. It is not because he was turned down on a site plan, or that he was frustrated in dealing with the township. Instead, it is sheer greed, and a willingness to develop a property to such an extent that it will significantly and adversely affect the neighboring properties in the township, especially along Davison Road, Sterling Drive and Arlington Court. Not once has Mr. Whitman submitted a site plan to the Elba Township Planning Commission. You should not allow this to happen, and the Petition for annexation to the City should be rejected.

You should be aware the Township held some meetings with the City representatives. You should also be aware these meetings were held behind closed doors, and the public was specifically excluded. I do not believe that is the way to run things, but that's what happened.

There were some negotiations. Some demands were made by the Township, and some offers were made by the City. A short time later, the City sent a letter saying they weren't going to negotiate any further. That is unacceptable. The city did not negotiate in good faith. Please don't reward those actions by allowing this to go through.

Secondly, there was an article in the local paper stating the Boundary Commission was probably going to approve not only the taking of the subject property, but additional property as well. Lands along Davison Road and Millville Road are, at least according to the paper, going to be included. I am not sure where that information came from, but it would be completely inappropriate if that decision was made by your commission before this public hearing.

Third, the subject land owned by Mr. Whitman has a large percentage of it under water. Whether it is can be classified as a wetland or not is open to interpretation. However, it cannot be disputed that the land serves as a natural (not man-made) watercourse for drainage of the surrounding lands.

The only way development of that property can be achieved is by raising the levels of the lands. While that may be fine for Mr. Whitman, or whoever he sells the property to, you cannot ignore the adverse affect it is going to have on many Elba Township residents. They will be subjected to flooding of their properties, septic field failures, loss of property values, and a degradation of the Township's tax base.

The water problems in this area are well documented. The people on Sterling Drive, particularly the northern end of the road, and Arlington Court, are dependant on the natural water course for drainage of their properties. If the land is developed, as was presented with multiple buildings, large parking lots, and other such site changes, the Elba Township residents are going to take an absolute beating. Please do not allow this to happen.

When the Elba Township Master plan was developed, it took into consideration the natural features of this and all other properties. This property has severe limitations on it, NOT through zoning or site plan requirements, but by virtue of its own character. It is, and always has been, a natural drainage area, at least in large part. Mr. Whitman is not prevented from developing that property, so long as it is in compliance with Elba Township ordinances. He's not interested in doing that. The City's requirements are less stringent, so he can make more money, and so can the city, to develop it as he wants, and at the expense of the Township. That, under any circumstances, is not right.

Mr. Whitman is able to develop this property, under Elba Township's current ordinances, but with due regard to the surrounding properties. He's indicated the reasons for his request is the City can provide better police and fire protection. That is simply not true.

Elba Township contracts with the sheriff's department for police. Moreover, the area is adequately covered by the general road patrol, not to mention the Michigan State Police.

As far as fire protection is concerned, you should be aware that Elba's fire department has two stations, and is the best equipped and best trained department in the county, bar none. Elba has a millage that provides more

Page 4

than adequate funding to for the department's needs. In fact, under the Mutual Aid agreement, Elba assists Lapeer much more than Lapeer assists Elba. Even if this property was to go to the City and be developed, and subsequently had a fire, Elba would probably be there first, and take on the lion's share of fighting the fire, with no compensation for their efforts.

As far as sewer service, the existing 425 agreement provides adequate sewer capacity for this property when it is developed under the current ordinance. Mr. Whitman is able to take advantage of that service, but apparently has elected not to do so.

Lastly, Elba has an irregularly shaped border, which includes the area known as the island, but only because we have been a good neighbor to the city. We have, in good faith over the years, seen a lot of our lands go to the city with very little, or in most cases, nothing for the township.

Elba's only problem is that it shares a border with the city. The city has over 1,400 acres of land within its present borders that is not developed. This land grab by the city, in concert with Mr. Whitman, is at the sole expense of the township, and should not be allowed.

Thank you,



Bill Comstock

810-664-5590

## LAPEER BUSINESS CENTER

Location Address: 3056 Davison Road, Lapeer, MI 48446

Mailing Address: 9323 Claridge Drive, Davison, MI 48423  
810-441-7660

April 10<sup>th</sup>, 2007

State Boundary Commission  
611 W. Ottawa Street  
P.O. Box 30004  
Lansing, MI 48909

RE: Commission docket #06-AP-2

My name is Marlene J. Zajenkauskas and I own the largest single piece of property in what is referred to as "the island" in Elba Township.

After attending the public hearing on March 29<sup>th</sup>, 2007 I was concerned about many facts that came to light.

\*The amount of vacant land inside the city that has not been developed or even has a master plan depicting the future development. There are hundreds of acres across from my property that remains vacant and with no plan for the future development.

\*The fact that in 1993 there was a Resolution that said the City of Lapeer would remain neutral on all annexation proceedings. The resolution was made by Matt Modrack representing the City of Lapeer. That resolution was rescinded in December, 2005 right after Dale Kerbyson took office.

\*The representation by the City of Lapeer that if annexed we would save money on taxes. That is false. Businesses and individuals would have to file income tax returns with the City of Lapeer. Businesses would pay 1% on their net profit a year. Employee's living in the City would pay 1% on their incomes and if living outside of the City would pay ½% on their incomes. Elba has no such tax.

\*The representation by the City of Lapeer that we would save money on our insurance premiums. My fire code is 5 the same as the City of Lapeer. Checking with my insurance company my premium would stay the same. Elba Township fire department is a very qualified department. Their response time is excellent and there is a mutual aid agreement between the City of Lapeer and Elba Township.

\*Elba Township cannot afford to lose any more land and tax base.

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**DEPT. OF LABOR & ECONOMIC GROWTH**

**APR 11 2007**

**STATE BOUNDARY COMMISSION**


\*Elba Township has sewer capacity through PA 425 available for who ever request the capacity.

Included for your review are two articles. One written by John Tomancik. "Annexation Could Hurt Growth". The other "Lapeer may try to Annex Elba Land Against Voters' Wishes", written by Larry Harrison. Both articles are from 1987.

The City of Lapeer has come after us many time 1987 (Taken back by referendum 11/87), 1993, 1998 and now again in 2007. We are happy Elba Township property owners and hope that we will be left alone to live and work peacefully in our Township.

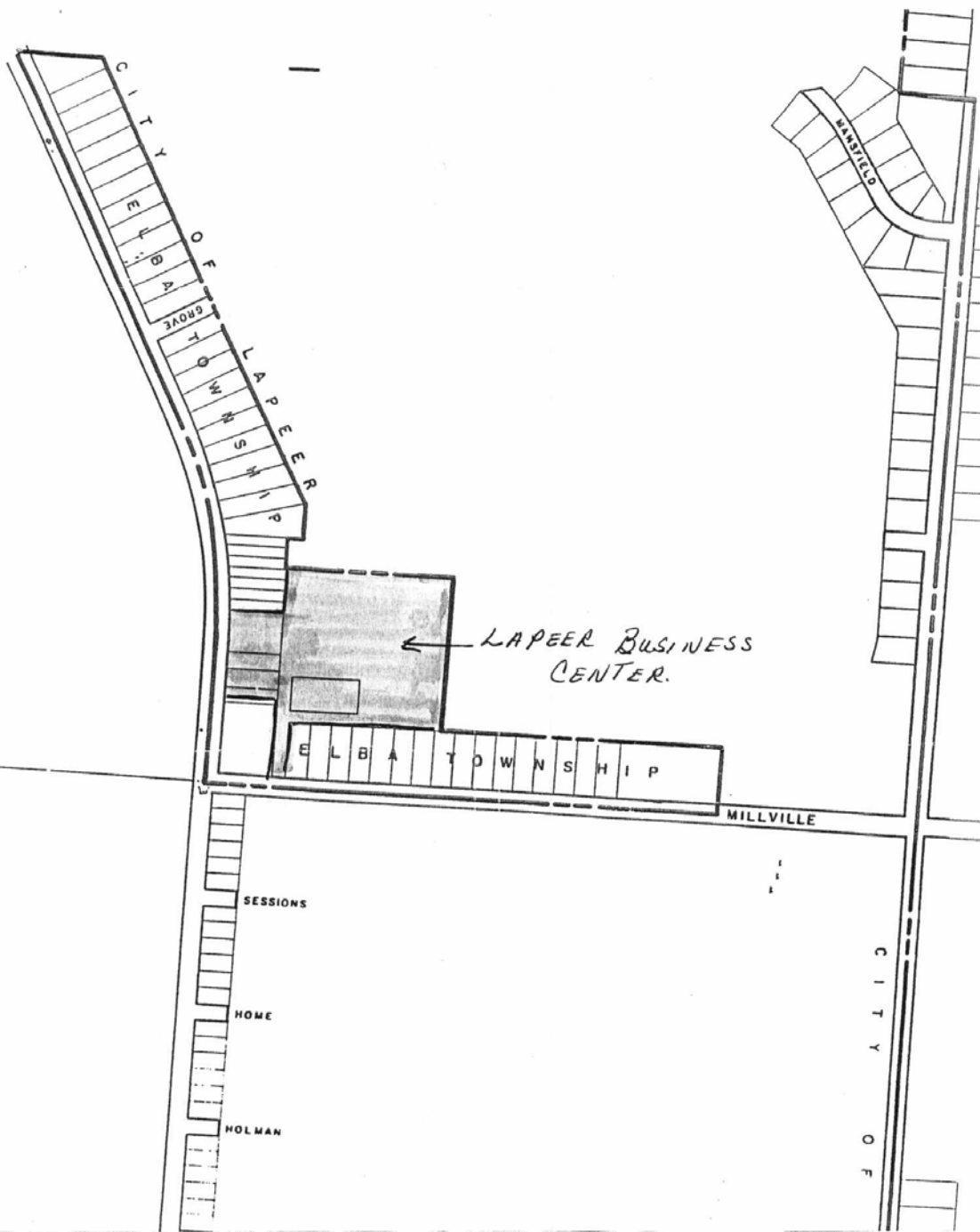
The City of Lapeer and Elba Township were talking. The City put an end to the negotiations. Elba is willing to sit down with them once again. The Commission can make this happen. If your commission decides to proceed with annexation it will be very detrimental to the relationship between the Township and the City. Please don't make the Township and the City adversaries.

Respectfully,

A handwritten signature in cursive script, reading "Marlene J. Zajenkauskas".

Marlene J. Zajenkauskas  
President  
Lapeer Business Center

Attachments 3



# Lapeer may try to annex Elba land Against voters' wishes

by LARRY HARRISON  
news editor

**ELBA TWP.**—Elba Twp. voters overwhelmingly rejected a land deal with Lapeer City in last week's election. But that may not be the end of the issue. The city may still try to annex at least part of that land.

The proposal would have transferred three parcels of land south of Oregon Road, west of Millville Road, north of Davison Road and east of Lake Nepessing Road from Elba Twp. to Lapeer City.

But of the 733 people voting, 96% voted against it. The deal will not go through.

Lapeer Mayor Tom Benton

said he was not surprised.

"The city couldn't do anything to encourage people to vote for it. State law doesn't allow us to do that," he said. "No one votes to increase their own taxes. That's why it failed by so much."

He said city officials are negotiating with the four townships around the city; Elba, Lapeer, Mayfield and Oregon, about where the city boundaries should be. The city will not try to annex any property as long as the negotiations are going on, he said.

Benton said, however, if the talks were to break down, the city would try to annex a small portion of Elba Twp. just west of

(See ANNEX, page 11A)

## Annex

From page one

Millville Road that is surrounded by Lapeer City land.

"It makes it confusing to know where the city boundaries are," he said.

He said a request for annexation could come as early as next spring or summer.

Elba Twp. Attorney Gary Howell says the township would fight any annexation proposal on land it does not want to give up.

"Of course, each case is different, and it is hard to say at this time what we would do," he said. "But we would use every legal means at our disposal to fight annexations of property we don't want to give up."

Under annexation, the township would not get any money for the land annexed by the city. In a land transfer agreement, the city would pay the township a certain amount of money for a certain period of time to offset lost taxes.

Annexation is a lengthy process.

First, an annexation proposal is submitted by a unit of government. A public hearing is held within 220 days, and letters can be submitted for another 30 days after that.

Then the Boundary Commission issues a preliminary ruling which is reviewed by its staff. If there are no errors in the documents, the ruling goes back to the commission for final approval.

Executive Secretary James Hyde says it would take at least one year for the commission to rule on any annexation request once it is submitted.

He said the key issue in annexation is usually utilities.

"If problems exist with water, sewer, roads or things like that, and they can't be fixed without annexation, the land probably will be annexed," he said.

He said, however, that an "island" of township land inside a city is not necessarily a reason for annexation.

November 1987

# Annexation could hurt growth

by John Tomancik

I have been visiting your community for over 15 years on a weekly basis for business reasons.

I have always admired the financial stability of your community. This stability is demonstrated in the flourishing business district and the activities of your schools.

It is my concern that this stability will be halted with the



threat of annexation.

Your previous city administrators felt it was more economi-

cal for the city to provide services to the surrounding township areas at a premium price in comparison with the prices derived from the city, thus, deriving greater revenue for the surplus capacity of their utilities with no additional overhead.

If you annex the township areas to the City of Lapeer, you will require larger police forces, additional municipal employees and this could result in higher paid supervisors and administrators. I believe the key question is whether or not the quality of life would improve for the people in the townships.

Keep in mind, businesses locate where there is a healthy tax rate and a supply of dependable employees. If any business or industry was planning to locate in your area, they might consider going elsewhere if they find they are under the threat of annexation.

We will remember the major global invasions of the world and I'm wondering if annexation isn't the same type of invasion on a smaller scale. The methods to achieve annexation may be legal, however, ask yourself if they are ethical.

City of Lapeer, you might win the battle of annexation, but the surrounding areas will lose the war of economic growth.

*October 1987*

Dear State Boundary Commission,

APR 18 2007

This letter is in regards to the Docket #06-ap-2

STATE BOUNDARY COMMISSION

I am a resident of the Sterling Garden subdivision 3527 Arlington located just west of the faith Christian church "part of the fifty acres that is trying to get annex".

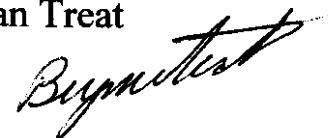
Although our subdivision is not being annex, it does concern us and about 40 other homes our property butts up against the ten acres the church owns.

In 2000 the church was built and the minster tried to get the township to extend Arlington court into his parking lot so that he did not have to have a entrance off Davison road "we did not approve of this". And now the city of Lapeer is going to put a road threw there if this property is annex I believe the church is trying to connect the road and "this will affect several homes witch the city of Lapeer is not telling you about". The church has a base ball diamond, a pavilion ,and a very large playground and a parking lot located in that area and that will have to be torn down to build a road but I am sure they forgot to mention that to you .And for the fifty acres that Whitman and Harrington own it is a fifty acre swamp and they know what they bought when they purchased it thirty years ago. and will probably never be able to be developed I have nothing against The Faith Christian church and I speak for a lot of residents of the Sterling garden subdivision when I say we do not approve of this and we are tired of this church causing problems for our neighborhood.

And as a member of the Elba township fire department I will say that its not right to use emegency services as an excuse to try to get your property annexed "I took an oath to protect my township"and that includes the Faith Christian Church.

And as far as fire suppression "you can run sprinkler systems off a well" Please take this information to consider your decision and think of the residents that live right next door to The Faith Christian Church that nobody seems to mention.

Thank you  
Bryan Treat





City Manager's Office  
Phone: 810.664.5231  
Fax: 810.664.2610

Christine Holmes  
State Boundary Commission  
Office of Policy and Legislative Affairs  
611 West Ottawa Street  
P.O. Box 30004  
Lansing, MI 48909

April 18, 2007

Re: Docket # 06-AP-2

Dear Christine,

I wanted to get back to you regarding the requests made of me by the Boundary Commission members at the public hearing March 29<sup>th</sup>, 2007. The Commission asked for various items:

1. A copy of the letter that the City of Lapeer sent to the Elba Township residents that reside on the Elba Island of property that exists within the City. That letter is attached and marked as Item 1.
2. Several Boundary Commissioners asked about the City of Lapeer Utility Policy that extends amnesty to anyone who is annexed into the City of Lapeer that is on a functioning water well or septic tank waste system. A certified extract from the City Commission minutes adopting that policy and the policy itself is attached and marked as Item 2.
3. General Area Map is attached; it indicates that the City of Lapeer Police and Fire Departments are very close to the expanded area as well as the petitioners' parcels.
4. A utilities map is included to indicate that existing City utilities surround the expanded area and are very close to the petitioners' parcel.
5. The final map marked Item 3 indicates those property owners who have contacted the City of Lapeer City Manager and asked to be annexed into the City. There are a total of 10 property owners who have contacted the City with this request.

Please note that the existing islands of Elba Township within the City limit are very difficult to work around. They are a regular impairment to planning and facilitating the orderly growth of the community. The City of Lapeer is willing and prepared to bring the expanded area into the City. Please contact me if I can be of further assistance.

Sincerely,

Dale Kerbyson, Manager  
City of Lapeer

**RECEIVED**  
**DEPT. OF LABOR & ECONOMIC GROWTH**

**APR 24 2007**

576 Liberty Park • Lapeer, MI 48446  
Website: [www.ci.lapeer.mi.us](http://www.ci.lapeer.mi.us)

**STATE BOUNDARY COMMISSION**



Printed On Recycled



City Manager's Office  
Phone: 810.664.5231  
Fax: 810.664.2610

March 5, 2007

Dear Elba Township Property Owner:

This is a note to inform you that the City of Lapeer and Elba Township will be meeting in front of the State of Michigan Boundary Commission at the end of this month. Your property has been placed on a list of parcels that have been noticed by the Boundary Commission for the hearing. This action should be very important to you. Some of the reasons are:

1. If you have City water or sewer you are currently paying 100% of the City of Lapeer property taxes
2. If you have City water or sewer you are currently paying 150% of the cost for that service.
3. You are paying 100% of Elba Township property taxes.
4. You could save a significant amount of money if your property is transferred into the City of Lapeer.

The State of Michigan Boundary Commission has the power to transfer your property between taxing jurisdictions. The first step to do so is to place the property owners on notice of the public hearing about that action. I assume that the Boundary Commission has notified you of the hearing because it will consider squaring off the City of Lapeer city limit and in doing so switch your taxing jurisdiction. This switch would cause your property to shift from residing in Elba Township to residing in the City of Lapeer. I believe that this would be an advantage for you for many reasons:

1. You would save the 5.0823 mills of Elba Township taxes. On a house with an assessed value of \$80,000.00 that is a \$406.58 savings annually
2. You and your family would have City of Lapeer Police Protection, which includes several cars on duty each shift every day of the year
3. You and your family would have increased fire protection because your property will be within one mile of your community's fire station
4. Because the City of Lapeer fire protection rating is better than Elba Townships you will likely save money on your fire insurance/homeowners insurance policy
5. You will have additional access to the City of Lapeer Community Center at a discounted rate. Citizens of the City are offered a discount on membership
6. If you use City Water or Sewer services and live in Elba Township you are paying 50% more for that service than a city resident. Therefore, you would see an immediate reduction in your water and sewer monthly charge.
7. Your property will be more marketable due to the potential access to City water and sewer services.

576 Liberty Park • Lapeer, MI 48446  
Website: [www.ci.lapeer.mi.us](http://www.ci.lapeer.mi.us)



Printed On Recycled

There is one drawback to residing in the City of Lapeer; the City has an income tax. This means that you will be taxed on your income. That tax will be 1% of your gross income when you live in the City. If you make an income in the City and don't live in the City your tax would be ½ of a percent of your income. An example of the income tax is:

If you make \$50,000.00 per year while you work and live in the City your income tax will be \$500.00.

If you make \$50,000.00 per year in the City your income tax will be ½ of a percent of your income and your tax will be \$250.00

Additionally, I have been asked many times; if we get annexed to the City of Lapeer will we have to connect to the City water and sewer system? The answer is no. If you have a well or septic system and do not need the services you will not be forced to connect to them. However, when your system fails you will be required to connect to the utility if it is within 150 feet of your home. Again, you will not be required to connect to the City water and sewer utility if your property is moved inside the City of Lapeer.

If you have any questions please call me at 810-664-5231 and I will be happy to give you any assistance I can. If I can not answer any concern you may have I can find the appropriate department in the City to get the answer.

Please note: If you already know that you would like to be moved into the City Limits please contact our office and let us know. We will record your name and address to present to the Michigan State Boundary Commission at the public hearing.

Thank you for your time to review this letter and I look forward to talking to you soon.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Kerbyson', followed by a long horizontal line extending to the right.

Dale Kerbyson, Manager  
City of Lapeer

## CITY OF LAPEER

## CERTIFIED EXTRACT OF MINUTES

The following is an extract of minutes taken from a regular meeting of the Lapeer City Commission held on April 2, 2007 at Lapeer City Hall, 576 Liberty Park, Lapeer, Michigan in the City Commission Chambers at 6:30 p.m.

**CONSENT AGENDA****75    2007   04-02**

Moved by Turkelson. Seconded by Farrington.

To approve the Consent Agenda for April 2, 2007 resulting in the following:

1. Approval of the Budget Adjustment to eliminate the Cemetery Fund Deficit as presented.
2. Approval of the Special Event Request from Bishop Kelley Catholic School for Walk-a-thon to be held April 27, 2007 at Cramton Park West.
3. Approval of the Special Event Request from United Way of Lapeer County for Family Fun Day to be held July 18, 2007 on Nepessing Street between Court Street and Cedar Street.
4. Approval of the Special Event Request from Lapeer Community Schools for Swing Out to be held May 31, 2007 on Nepessing Street from Saginaw Street to the Catholic Church.
5. Approval of the Special Event Request from Lapeer Downtown Business Association for Lapeer Cruise to be held on Monday's from May 21 through September 17, 2007 on Nepessing Street from Mason Street and Court Street contingent upon receipt of current insurance.
6. Approval of the Special Event Request from Lapeer County Bank & Trust for Ice Cream Social to be held June 29, 2007 at the Farmer's Market Pavilion.
7. Approval of Payment Request #3 to Trojan Development Company, Inc. in the amount of \$57,285.00 for the Oregon Street Lift Station Project.
8. Approval of the Actuarial Valuation for Retiree Health Care benefits with Gabriel Roeder Smith & Company in the amount of \$9,240, authorize the Director of Financial Services to sign the required document, and approve the Budget Adjustment as presented.
9. **Approval of the Elba Township Utility Policy as presented.**

**CITY OF LAPEER****ELBA TOWNSHIP UTILITY POLICY**

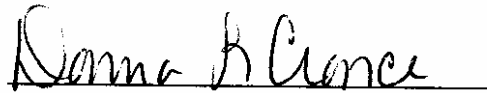
**It will be the policy of the City of Lapeer to allow use of septic systems and water wells currently in service within the annexation limits of Elba Township and complying with all requirements imposed by the State and County Health Departments.**

**At such time as any septic tank, cesspool or water sewage disposal facility fails or is abandoned by owner and the public water/sewer**

**system is available to the property, a direct connection shall be made in accordance with City of Lapeer Ordinance 5.03(D).**

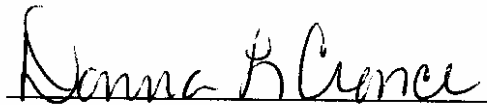
10. Approval of the Planning Agreement for Master Plan with Rowe Incorporated in the amount of \$51,400 and authorize the Mayor and Director of Planning and Community Development to sign the required documents.

MOTION CARRIED.



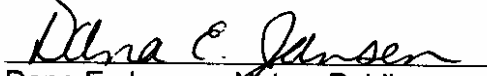
Donna L. Cronic, CMC  
City Clerk, City of Lapeer

I, Donna L. Cronic, City Clerk of the City of Lapeer do certify and declare that this extract of minutes is an accurate copy of a portion of the minutes of a regular meeting held on April 2, 2007 of the Lapeer City Commission and were approved by the City Commission at a regular meeting held on April 16, 2007.



Donna L. Cronic, CMC  
City Clerk, City of Lapeer

The following document was signed before me  
by Donna L. Cronic, City Clerk of the City of  
Lapeer on April 17, 2007.



Dana E. Jansen, Notary Public,  
State of Michigan, Lapeer County  
My Commission Expires: 09-20-11  
Acting in the County of Lapeer

DRAFTED BY: Donna L. Cronic  
576 Liberty Park  
Lapeer, MI 48446

## **CITY OF LAPEER**

### **ELBA TOWNSHIP UTILITY POLICY**

It will be the policy of the City of Lapeer to allow use of septic systems and water wells currently in service within the annexation limits of Elba Township and complying with all requirements imposed by the State and County Health Departments.

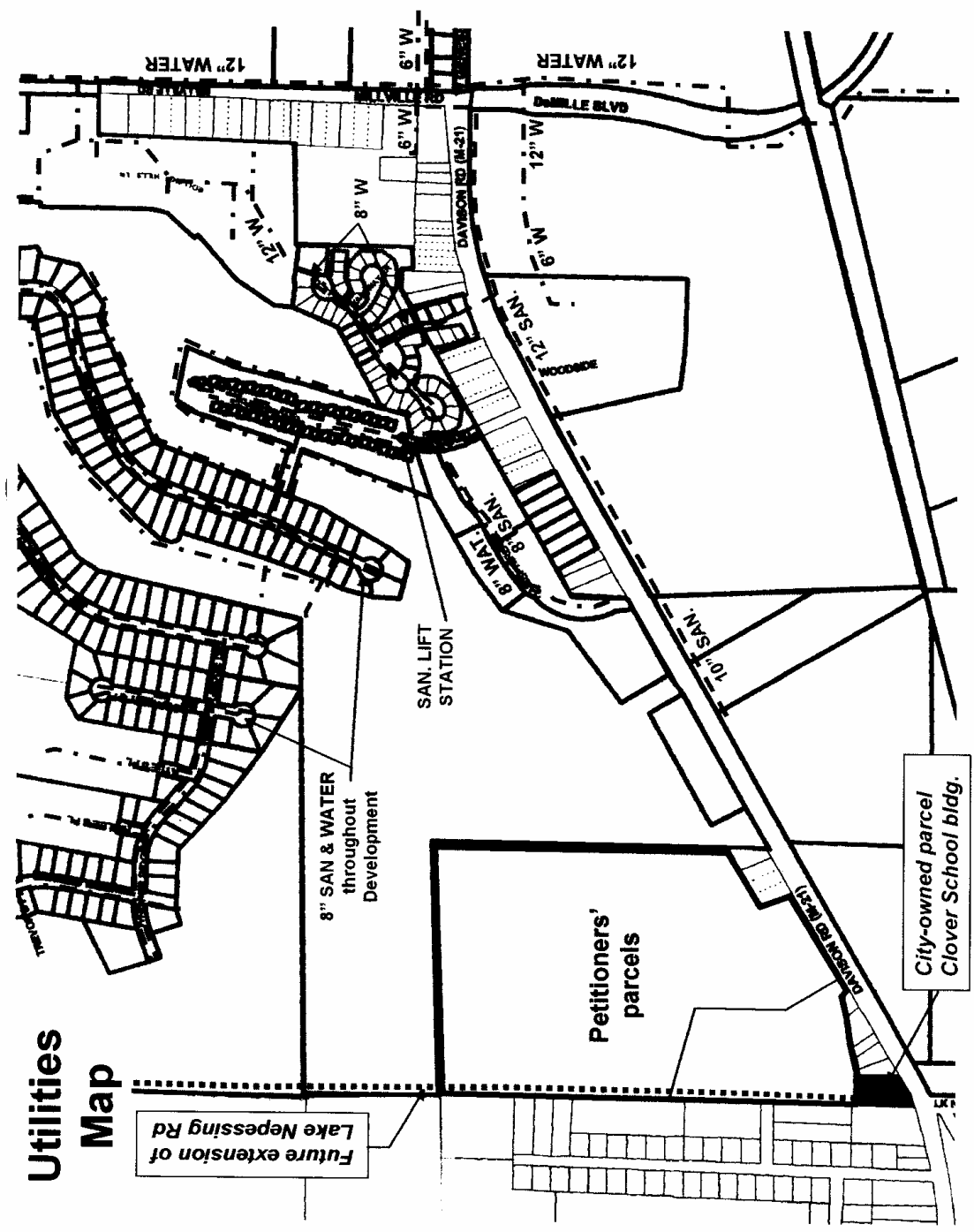
At such time as any septic tank, cesspool or water sewage disposal facility fails or is abandoned by owner and the public water/sewer system is available to the property, a direct connection shall be made in accordance with City of Lapeer Ordinance 5.03(D).

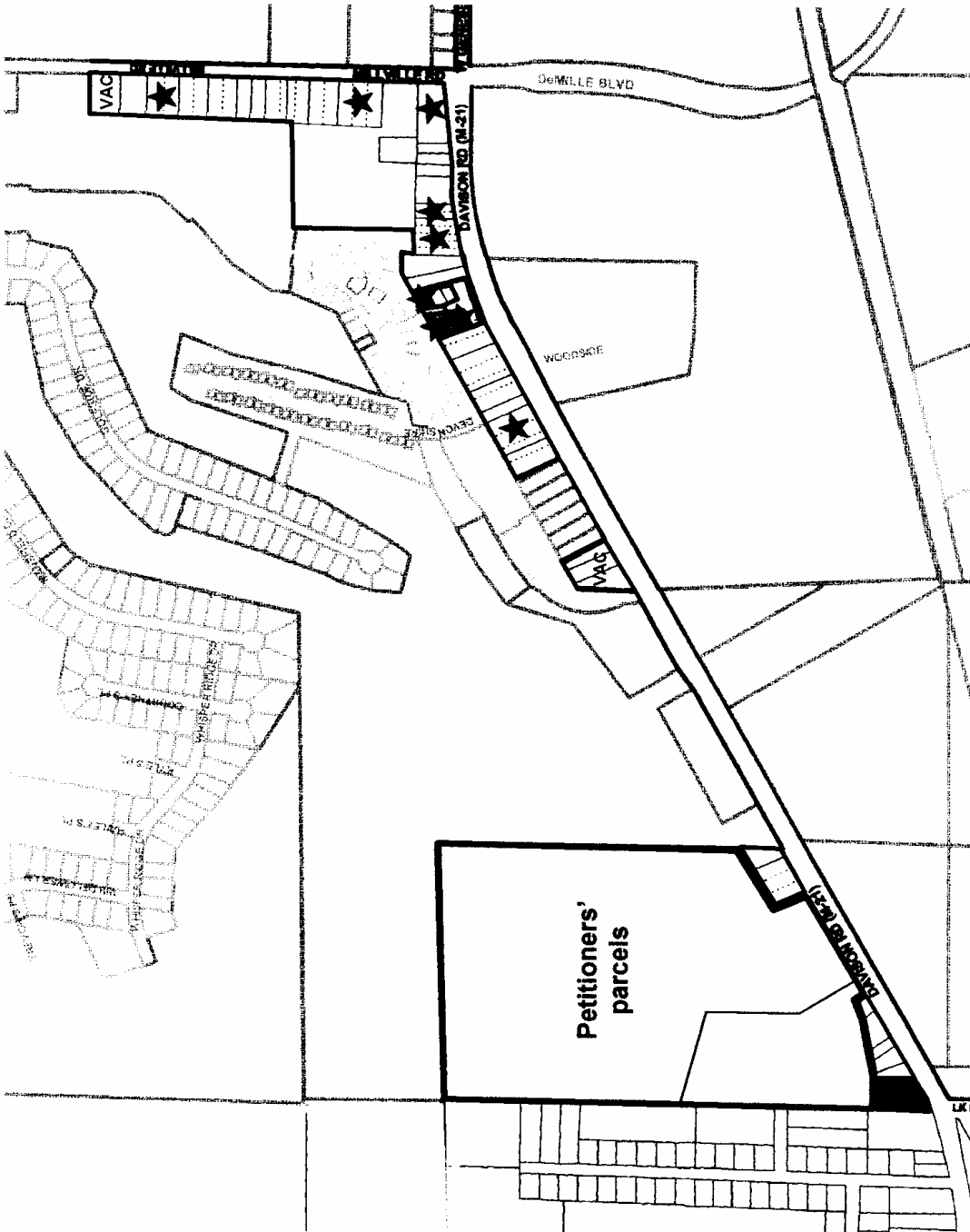
**MOTION:   #75   2007   04-02**

[illegible]

**City-owned parcel  
Clover School bldg.**

# Utilities Map





LAW OFFICES

**TAYLOR, BUTTERFIELD, RISEMAN, CLARK, HOWELL, CHURCHILL & JARVIS, P.C.**

407 CLAY STREET, LAPEER, MICHIGAN 48446 □ (810) 664-5921 □ FAX (810) 664-0904

Carl M. Riseman  
Gary W. Howell  
David J. Churchill  
Steven D. Jarvis  
Todd O. Pope  
Eric J. Knuth (Of Counsel)

Robert L. Taylor (1909-1992)  
Thomas K. Butterfield (1942-2006)  
Emory W. Clark (Of Counsel)

April 27, 2007

**RECEIVED**  
**DEPT. OF LABOR & ECONOMIC GROWTH**

MAY - 1 2007

State Boundary Commission  
c/o Ms. Christine Holmes, Manager  
Office of Policy & Legislative Affairs  
611 W. Ottawa Street  
P.O. Box 30004  
Lansing, MI 48909-7504

**STATE BOUNDARY COMMISSION**

Re: Docket No. 06-AP-2  
Elba Township / City of Lapeer

Dear Commissioners:

My clients, Peter Whitman, James Harrington, and the Faith Christian Family Church, are anxious to have the Boundary Commission finalize the annexation of their properties to the City of Lapeer for the following reasons:

1. The properties cannot be developed or further utilized based on wells and septic tanks. As demonstrated on the utilities map provided by the City, existing City sewer and water lines are very close to the Petitioners' properties. These utility services are not available in Elba Township. The Church cannot expand its facilities without public water for fire suppression. The Whitman/Harrington property cannot be sold or developed without public sewer and water.

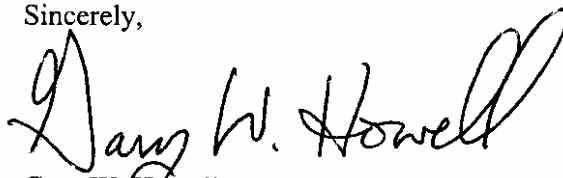
2. The City of Lapeer Fire Department is much closer to the Petitioners' properties than the Elba Township Fire Department.

3. City police protection is full time and near at hand to Petitioners' properties, while Elba Township has only part time coverage by a sheriff's deputy.

4. The City has begun acquiring property to extend Lake Nepessing Road to Oregon Road in order to relieve traffic congestion in the area. This will border the entire western edge of my clients' properties.

As a final note, my clients have no position for or against the annexation of the existing islands of land which are within Elba Township but which are surrounded by the City limits.

Sincerely,

  
Gary W. Howell  
Attorney for Petitioners

GWH/kld

cc: Peter Whitman  
James Harrington  
Richard Menzing